

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, P.R.
OCT 15 PM 1:42
RECEIVED AND FILED

ARMANDO MENDEZ-LABOY ET AL.

Plaintiff(s)

v.

CIVIL NO. 98-1223 (JAG)

ABBOTT LABORATORIES INC. ET
AL.

Defendant(s)

ORDER

On April 8, 2002, the Court issued an order setting forth a July 1, 2002 deadline for defendants to file their summary judgment motion. The Court gave plaintiffs until August 15, 2002 to oppose the motion (Docket No. 35). Thereafter, the Court granted motions for enlargements of time filed by defendants (Docket No. 37 & 39). Defendants filed their summary judgment motion on August 5, 2002 (Docket No. 41). On August 21, 2002, the Court granted the motion as unopposed and entered judgment for defendants (Docket No. 44 & 45). On August 22, 2002, plaintiffs filed a motion to alter or set aside the judgment arguing that the Court may not have been aware of its April 8, 2002 order setting the above deadlines (Docket No. 47).

Plaintiffs' contention that the Court granted them a blanket 45-day term to oppose defendants' motion is unavailing. Defendants' motions for enlargements of time did not automatically extend plaintiffs' deadline to oppose. Plaintiffs were required to request an extension of time of their own rather than assume that the Court would automatically grant them a 45-day term from the date of defendants' summary judgment motion.

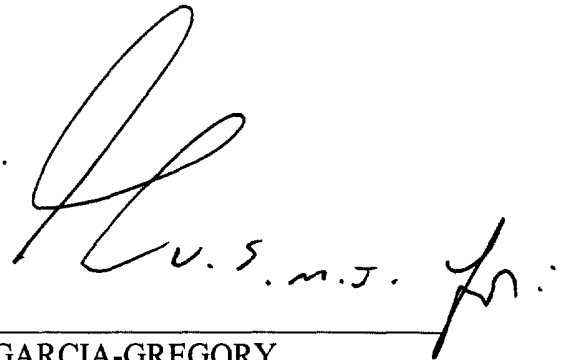
M
(3)

(52)

Despite plaintiffs' lackadaisical attitude in securing an enlargement of time and in the interest of fairness, the court **VACATES** the Order (Docket No. 44) and Judgment (Docket No.45) issued on August 21, 2002 and will afford plaintiffs an opportunity to oppose the summary judgment motion. They shall do so by **Tuesday, November 12, 2002**. No further extensions of time shall be granted and failure to file an opposition by this date will result in the reentry of judgment against plaintiffs. The Court hereby **GRANTS** plaintiffs' motion regarding the status of proceedings, dated October 2, 2002 (Docket No. **51**).

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 9th day of October, 2002.

A handwritten signature in black ink, appearing to read "J.A.G.-G.", written over a horizontal line.

JAY A. GARCIA-GREGORY
United States District Judge